

Background Information for 'Checklist if Arrested'

By Captain Dave Fielding, BALPA

This paper should be read in conjunction with the Checklist which the IFALPA Legal Committee produced at its conference in December 09. This checklist details the immediate actions which a member should do if they are arrested whilst on duty. The following paper contains supplementary information which may be useful to Member Associations when actioning (or developing) their procedures for handling a member who has been arrested for whatever reason

NB. Recent experience has shown that the most common reason for members being arrested is suspicion of being under the influence of drugs or alcohol. This paper reflects this, but the situations are generic as far as possible

Definitions

"Member" - the pilot who has been arrested and made the emergency call

"Local MA" - this is the Member Association in the country where the Member is arrested

"Home MA" - this is the Member Association of the Member.

"Emergency Assistance Rep" (EAR) - this can either be a rep from the Home MA or one from the Local MA, and indeed some cases will require both. This rep can either be a line pilot rep or a union official. They should be suitably trained for the role

"Operator" - the person taking the call at the end of the emergency line

Actions of the Operator

- Ensure the Member has carried out the actions in the Checklist, or runs through them verbally if not
- Emphasise that the Member should only talk to someone who positively identifies themselves
- If possible, seek consent to contact the Member's immediate family
- Initiate immediate legal assistance via the IFALPA Directory or as appropriate

- If the call was made to the IFALPA emergency number, contact the Home MA and provide all the details
- If the call was made to Home MA emergency number, then the Operator must make the judgement as to whether a Home EAR can get to the scene quickly or to call the Local MA to arrange for a Local EAR. If the latter, then a contact person within the Home MA must be identified and details passed to the Local MA/EAR
- The Operator's primary function is to ensure that appropriate assistance is supplied to the Member as quickly as possible, and that the relevant parties talk to each other to share information seamlessly

Actions of the Local EAR (if used)

- Establish contact with the Home MA
- Support the Member before / during / after the time with the legal representative
- Arrange bail if appropriate
- Assist in the repatriation of the Member after release
- If the Member subsequently returns to the country for trial and is incarcerated, the Local EAR has a central role to play. They will most likely be the Member's most frequent visitor, and as such should arrange para-legal status if possible to ensure that any visiting quota is not used up at the expense of the Member's family. The EAR should organise special arrangements for family visits, as they are more likely to want long visits over a short period of time. In addition, the EAR should ensure that the Member has a supply of reading material in their native language in the prison library, and that they have sufficient phone credit.

Actions of the Home EAR

- Usually, they will be required to get to the Member as quickly as possible
- As soon as the information is available, the EAR should contact the Member's family. After positively ascertaining their identity, the EAR should advise the following:
 - a brief outline of the incident
 - the current location of the Member and what is happening to them
 - what will happen to the Member in the next few hours
 - that they (the EAR) should be the person to call for information and no-one else
 - ABSOLUTELY DO NOT TALK TO THE MEDIA
 - decamp to a safe location immediately, as the media will track them down within hours. Consider sending another rep to assist with this process if not too far away.
- Ensure that the relevant senior people in the MA are briefed on the situation

- Ensure that crewing information of the flight on company systems is wiped immediately
- Once at the police station, assist the Member appropriately and support the legal representative
- Arrange bail if necessary (Member MAs should have a process for this)
- Arrange for the Member to be repatriated and accompany them all the way home to the safe location, or organise safe accommodation (usually a hotel) if this is impossible on the day.
- Shield the Member absolutely from the media
- Shield the Member from the Company as far as possible, delaying the interview preferably until repatriation

Media handling

- The media will be swift and relentless in tracking down the Member's family if the story is big enough. Much effort will be needed to protect the immediate family, and consideration should be given to assigning a rep to the family for the first few days after the incident.
- The media will use a variety of tactics to gain a photograph or interview/comment from the member or their families. MAs should have access to a good media consultant who will advise on the best methods of dealing with the media in these circumstances (for example, in some cultures giving a controlled statement may be sufficient; in others, total blanking is necessary)
- It will assist the Member's future employment chances immeasurably if their face is kept out of the media

Psychological Effects on the Member

- If the incident is serious enough to warrant arrest and intense media interest, it is highly likely that the Member will be facing dismissal and the associated uncertainties over finance. The Member must be supported through this, particularly with advice from the MA's financial experts. In addition, the Member must be warned of the possibility of the media offering large sums of money for the 'exclusive'. Succumbing to this would be extremely disadvantageous to the Member
- For a Member caught up in such an incident, the world will appear very dark and without hope. It is an important part of the MA's role to counsel the Member through this period, which will inevitably pass. Experience has shown that the use of Members who have been unfortunate enough to have been in a similar position is invaluable. MA's should work to secure the services of such a fellow member in offering advice and support
- In the immediate days and sometimes weeks following a major incident, the Member must be prepared to lead a nomadic lifestyle, moving location

regularly to avoid the media until the story goes cold. This will be extremely stressful and the MA should prepare some basic strategy to deal with this (points of contact within the MA, recommendations for when to move on, immediate safe locations if necessary etc.)

- Be wary of focusing assistance solely on the Member. The ability of the Member to weather the storm of the immediate aftermath of the incident, and then subsequently rebuild their lives, is almost always linked to the support of their nearest and dearest. Therefore, time spent by the MA supporting them will be one of the best methods of offering support to the Member